

REMARKS

In response to the Office Action dated November 2, 2004, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1-26 are pending. Claims 1-26 have been rejected. Claims 1, 12, 17 and 24 are independent claims from which claims 2-11, 13-16, 18-23 and 25-26 respectively depend. Claims 1, 12, 17, and 24 have been amended. No new matter has been added. Support for the amendments can be found in the application as originally filed on page 6, last paragraph continuing on page 7 and elsewhere in the application.

Confirmation of Acceptance of Formal Drawings

Applicant respectfully requests confirmation that formal drawings filed by Applicant on June 27, 2001 have been accepted.

§103(a) Rejections

Claims 1, 5, 8, 16-17, 23-24 and 26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Story, Jr. et al. (U.S. Publ No. US 2002/0046181 A1) in view of Benson et al. (U.S. Patent No. 6,678,665 B1).

Applicants respectfully submit that claim 1 and the claims that depend there from are patentable because neither Story nor Benson, alone or in combination disclose or suggest all the features of Applicants amended claim 1. Claim 1 recites:

A method of enabling the use of a digital license on a plurality of devices, said digital license permitting the use of a content item and being bound to a first of said plurality of devices by a first key pair associated with said first device, said method comprising:

receiving a first digital license from said first device;
generating a modified first digital license for said first device, said modified first digital license based on said first digital license, wherein said modified first digital license is set to expire prior to said first digital license, and wherein said modified first digital license is extendable by connecting to a license synchronization server;

receiving a second key pair associated with a second of said plurality of devices, said second key pair being different from said first key pair;
creating a second digital license bound to said second device using said second key pair, said second digital license being based on said first digital license;
and

transmitting said second digital license to said second device.

(emphasis added).

Story is directed to a license management device that manages licenses for playback of digital content. Each license created by the license management device and transferred to a playback device is associated with a cardinality that determines the number of playback devices that can be authorized by the license.

Benson is directed to a mechanism for protecting software against unauthorized use (such as unauthorized copying) by providing a challenge means having no access to a private key and a response means that proves to the challenge means that the response means has access to the private key by interacting with the challenge means using a probabilistic proof scheme. The challenge means prohibits a customer from using the software unless the challenge means knows that the probabilistic proof is successful.

Neither Story nor Benson, alone or in combination disclose or suggest at least “generating a modified first digital license for said first device, said modified first digital license based on said first digital license, wherein said modified first digital license is set to expire prior to said first digital license, and wherein said modified first digital license is extendable by connecting to a license synchronization server;” as recited by Applicants’ amended claim 1. Hence Applicants respectfully submit that claim 1 and its dependent claims are allowable and request the withdrawal of the rejection of these claims.

As amended independent claim 17 and 24 recite analogous features, Applicants respectfully submit that claim 17, 24 and the claims that depend therefrom are also patentable for the reasons discussed above and request the withdrawal of the rejection of these claims.

Claims 2-4, 6-7, 9-15, 18-22 and 25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Story, Jr. et al. in view of Benson et al. and further in view of Yang et al. (Publ. No. US 2002/0194008 A1).

Applicants respectfully submit that claims 2-4, 6-7, 9-11, 18-22 and 25 are allowable as depending from allowable claims 1, 17 and 24, as discussed above, as Yang does not cure the deficiencies of Story and Benson. Applicants also submit that amended claim 12 and its dependent claims are allowable because neither Story nor Benson nor Yang disclose or suggest all the features of Applicants’ amended claim 12.

Applicants’ amended independent claim 12 recites:

A method of roaming a digital license onto a plurality of devices, said roamed digital license enabling the use of a content item on a plurality of devices, comprising:
receiving a first digital license cryptographically bound to a first device, said first digital license having a first set of terms;
creating a second digital license cryptographically bound to said first device, said second digital license having a second set of terms different from said first set of terms, *wherein said second digital license is set to expire prior to said first digital license, and wherein said second digital license is extendable by connecting to a license synchronization server*; and
transmitting said second license to said first device.

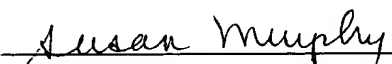
(emphasis added).

Yang is directed to a contract management mechanism in which a database of contracts is maintained. When a licensing inquiry is received to which multiple contracts apply, the terms in the multiple contracts are reconciled: that is, a determination of which terms from which contracts govern is made to derive a set of reconciled terms. Yang does not disclose or suggest at least “creating a second digital license cryptographically bound to said first device, said second digital license having a second set of terms different from said first set of terms, wherein said second digital license is set to expire prior to said digital license, and wherein said second digital license is extendable by connecting to a license synchronization server;” as recited by amended claim 12. Hence, Applicants respectfully submit that claim 12 and its dependent claims is allowable and request the withdrawal of the rejections of these claims.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit that the present Application is in condition for allowance. Withdrawal of the rejections of the claims and an early allowance is earnestly solicited.

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